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9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 SAN FRANCISCO DIVISION
12

13 UNITED STATES OF AMERICA,)	CASE NO. CR 18-0553 RS
)	
14 Plaintiff,)	STIPULATION AND PROTECTIVE
)	ORDER RE: DISCOVERY
15 v.)	
)	
16 LORIK PAPYAN and STEPHEN)	
SILVERMAN,)	
)	
17 Defendants.)	
18)	

19 The government and the defendants in the above-captioned matter, by and through their counsel,
20 hereby stipulate and request that the Court enter the following Protective Order governing the
21 production of discovery in this action. The parties agree that this Protective Order applies to discovery
22 deemed Confidential and subject to Protective Order produced prior to and after the date the Court signs
23 the Protective Order. Finally, the parties agree that this Protective Order does not enlarge or alter their
24 respective obligations under Federal Rule of Criminal Procedure 16.

25 The defendants are charged with offense under Title 18, United States Code, Sections 1349
26 (Conspiracy to Commit Wire Fraud), 1956(h) (Conspiracy to Launder Monetary Instruments), and 371
27 (Conspiracy to Engage in the Unlawful Wholesale Distribution of Drugs). In the near future, the United
28 States anticipates producing sensitive discovery including under seal court filings that contain

1 information concerning areas of investigation that are not yet completed and individuals who have not
2 been charged in a criminal case; documents containing personal identifying information of third parties;
3 and/or recordings that include witnesses, the release of which would jeopardize witnesses' safety
4 (collectively, "Protected Information").

5 The parties agree that the Court should order that the Protected Information be made available to
6 the attorney for the defendant subject to a protective order limiting the dissemination of this information.

7 To ensure that Protected Information is not subject to unauthorized disclosure or misuse,

8 **IT IS HEREBY ORDERED** that all Protected Information be marked as "Confidential" by the
9 United States when produced to the defense. Defense counsel of record, their investigators, assistants,
10 employees, and independent contractors (collectively, "the defense team") may review with the
11 defendant all discovery material produced by the government. All parties agree that no member of the
12 defense team shall provide a defendant with copies of, or permit defendant to make copies of, or have
13 unsupervised access to, the Protected Information. The government and defense counsel are ordered to,
14 and shall continue to, work together to ensure that these materials are protected, but that defendant has
15 as much access to the materials as can be provided consistent with this Court's Order.

16 Defense counsel also may provide copies of Protected Information to any experts retained to
17 assist with the preparation of the defense in the captioned case. The defendant, all members of the
18 defense team, and any experts who receive Protected Information under this Protective Order shall be
19 provided a copy of this Protective Order along with those materials and shall initial and date the
20 Protective Order reflecting their agreement to be bound by it. This Protective Order shall also apply to
21 any copies made of any materials covered by this Protective Order.

22 The materials provided pursuant to this Protective Order may only be used for the specific
23 purpose of preparing or presenting a defense in this matter unless specifically authorized by the Court.

24 **IT IS FURTHER ORDERED** that, if a defendant disagrees that material should be Protected
25 Information, counsel for that defendant shall meet and confer with the United States regarding the issue,
26 and the United States may, at its option, de-designate material as Protected Information. If the parties
27 cannot agree on whether material should remain Protected Information, the defendant may file a motion
28 with the Court. Until the Court rules on that motion, all materials designated as Protected Information

1 shall continue to be treated as Protected Information.

2 **IT IS FURTHER ORDERED** that neither a defendant nor any member of the defense team
3 shall provide any Protected Information to any third party (*i.e.*, any person who is not a member of the
4 defense team or a potential witness in the case) or make any public disclosure of the same, other than in
5 a court filing, without the government's express written permission or further order of this Court. If a
6 party files a pleading that references or contains or attaches Protected Information subject to this
7 Protective Order, that filing must be under seal.¹

8 **IT IS FURTHER ORDERED** that, except as otherwise provided in this Protective Order
9 regarding defendant's review of the Protected Information, Protected Information shall not be provided
10 to defendant. If after the conclusion of the case, defendant is represented by new counsel and files a
11 motion pursuant to 28 U.S.C. § 2255, the United States will provide new counsel with the documents
12 and materials subject to and under the terms of this Protective Order. This stipulation is without
13 prejudice to either party applying to the Court to modify the terms of the Protective Order, with respect
14 to pro se litigation pursuant to 28 U.S.C. § 2255 or otherwise. This Court shall retain jurisdiction to
15 modify this Protective Order upon motion of either party even after the conclusion of district court

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28 ¹ This Order authorizes such filings under seal, and the parties are not required to seek additional
authorization from the Court to do so.

1 proceedings in this case.

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3 DATED: September 13, 2019

Respectfully submitted,

4 DAVID L. ANDERSON
5 United States Attorney


6 /s/
7 ANDREW F. DAWSON
8 Assistant United States Attorney

9 /s/
10 ALEX KESSEL
11 Attorney for Lorik Papyan

12 /s/
13 PHILIP COHEN
14 Attorney for Stephen Silverman

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16 IT IS SO ORDERED.

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18 Dated: September 13, 2019

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20 HONORABLE RICHARD SEEBORG
21 United States District Judge
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